

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Hasan Mustafa Nough,

Civ. File No. 05-619 (PAM/RLE)

Plaintiff,

v.

MEMORANDUM AND ORDER

United States Citizenship and
Immigration Services, Department
of Homeland Security,

Defendant.

This matter is before the Court on Plaintiff's Motion for Summary Judgment and Defendant's Motion to Dismiss or Alternatively for Summary Judgment. For the reasons that follow, Plaintiff's Motion is denied and Defendant's Motion is granted.

In this Freedom of Information Act ("FOIA") action, Plaintiff Hasan Mustafa Nough seeks documents contained in his immigration file. On September 15, 2005, he filed a Motion for Summary Judgment, arguing that Defendant United States Citizenship and Immigration Services ("CIS") improperly withheld two pages of his file. Thereafter, CIS produced the requested documents, and moved to dismiss this action. During oral argument, Nough confirmed receipt of the documents and acknowledged that this case is therefore moot. See Urban v. United States, 72 F.3d 94, 95 (8th Cir. 1995) ("In FOIA cases, mootness occurs when requested documents have already been produced.") (citation omitted). Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment (Clerk Doc. No. 14) is **DENIED**;
2. Defendant's Motion to Dismiss or Alternatively for Summary Judgment (Clerk

Doc. No. 18) is **GRANTED**; and

3. This action is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: _November 7, 2005_____

s/ Paul A. Magnuson

Paul A. Magnuson

United States District Court Judge